

**Introduced by Senators Alquist and Correa**

December 22, 2008

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An act to add Section 8594.5 to the Government Code, relating to emergency services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 38, as introduced, Alquist. Emergency Services: Silver Alert System.

Existing law authorizes use of the federally designated emergency alert system to inform the public of local, state, and national emergencies.

This bill would require law enforcement agencies that are informed of a missing senior person, who is 65 years of age or older, and that determine the missing person has an impaired mental condition and there is information available that, if disseminated to the general public, could assist with the safe recovery of the missing person, to request, absent extenuating investigative needs, activation of the emergency alert system within the appropriate local area. By imposing new duties on local law enforcement agencies, the bill would create a state-mandated local program.

The bill would require the Department of the California Highway Patrol, in consultation with the Department of Justice and representatives from other organizations to develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the emergency alert system, and any other intermediate emergency services agencies that may institute activation of the system and, where appropriate, other supplemental warning systems shall proceed after a law enforcement agency receives a qualifying report of a missing senior person.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8594.5 is added to the Government Code,  
2 to read:

3 8594.5. (a) If a senior person is reported missing to a law  
4 enforcement agency, and the agency determines that the person  
5 has an impaired mental condition and there is information available  
6 that, if disseminated to the general public, could assist in the safe  
7 recovery of the missing person, the agency, through a person  
8 authorized to activate the emergency alert system (47 C.F.R. 11.11  
9 et. seq.), shall, absent extenuating investigative needs, request  
10 activation of system within the appropriate local area. Law  
11 enforcement agencies shall only request activation of the  
12 emergency alert system for a missing senior person if these  
13 requirements are met.

14 The Department of the California Highway Patrol, if requested  
15 by a law enforcement agency, shall activate the system.

16 (b) The Department of the California Highway Patrol, in  
17 consultation with the Department of Justice, as well as a  
18 representative from the California State Sheriffs' Association, the  
19 California Police Chiefs' Association, and the California Peace  
20 Officers' Association, shall develop policies and procedures  
21 providing instruction specifying how law enforcement agencies,  
22 broadcasters participating in the emergency alert system, and any  
23 other intermediate emergency agencies that may institute activation  
24 of the system, and, where appropriate, other supplemental warning  
25 systems, shall proceed after a law enforcement agency receives a  
26 qualifying report of a missing senior person. Those policies and  
27 procedures shall include, but not be limited to, the following:

1 (1) Procedures for transfer of information regarding the missing  
2 senior person from the law enforcement agency to the broadcasters.

3 (2) Specification of the event code or codes that should be used  
4 if the emergency alert system is activated to report a missing senior  
5 person.

6 (3) Recommended language for a missing senior person alert.

7 (4) Specification of information that must be included by the  
8 reporting law enforcement agency, including which agency a  
9 person with information relating to the missing senior person  
10 should contact and how that person should contact the agency.

11 (5) Recommendations on the extent of the geographical area to  
12 which a missing senior person alert should be broadcast.

13 (c) The Department of the California Highway Patrol, in  
14 consultation with the Department of Justice, shall review the  
15 “Silver Alert Plan” as adopted by other states for guidance in  
16 developing appropriate policies and procedures for use of the  
17 emergency alert system and, where appropriate, other supplemental  
18 warning systems to report a missing senior person.

19 (d) For the purpose of this section, “senior person” means any  
20 person who is 65 years of age or older.

21 (e) State and local agencies shall use existing state funds or  
22 federal resources in carrying out this section.

23 SEC. 2. If the Commission on State Mandates determines that  
24 this act contains costs mandated by the state, reimbursement to  
25 local agencies and school districts for those costs shall be made  
26 pursuant to Part 7 (commencing with Section 17500) of Division  
27 4 of Title 2 of the Government Code.